

Editor's note: Errata issued on June 2, 1975 -- See 20 IBLA 242A below.

ARTIE KITTICK
LENA MAE MATOOMEALOOK

IBLA 75-321, 410

Decided May 15, 1975

Appeals from portions of separate decisions of the Fairbanks District Office, BLM, rejecting in part Native allotment applications F-15467, 16268.

Affirmed.

1. Alaska: Native Allotments

Lands in Naval Petroleum Reserve No. 4 are not available for Alaska Native allotments.

APPEARANCE: William Rives, Esq., of Davis, Wright, Todd, Riese, & Jones, Seattle, Wash., for appellants.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

This is a consolidated appeal from separate decisions of the Fairbanks District Office, Bureau of Land Management, insofar as they rejected in part Alaska Native allotment applications covering lands within Petroleum Reserve No. 4 because such lands are not open for allotment purposes.

By reference, appellants incorporate the statement of reasons submitted in Georgianna A. Fischer, 15 IBLA 79 (1974).

In substance, this Board in Fischer held that lands within Naval Petroleum Reserve No. 4 are under the administrative jurisdiction of the Department of the Navy and the lands therein are not open to Native allotment unless 5-years of actual use and possession were completed prior to the date of withdrawal by Executive Order 3797-A of February 23, 1923. Neither appellant asserted 5-years use and occupation prior to 1923. Kittick asserts he commenced use in 1953; Ms. Matoomealook was born in 1932, nine years after the effective date of withdrawal. Under such circum-

stances the District Office properly rejected the applications for the reasons outlined in Fischer.

Therefore, pursuant to the authority delegated by the Secretary of the Interior to the Board of Land Appeals, 43 CFR 4.1, the decisions are affirmed.

Douglas Henriques
Administrative Judge

We concur:

Martin Ritvo
Administrative Judge

Edward W. Stuebing
Administrative Judge

June 2, 1975

IBLA 75-321, 410 : F-15475, F-16268

20 IBLA 241 :

:

: Native Allotments

Artie Kittick :

Lena Mae Matoomealook : Errata

ORDER

It has come to our attention that the text of the opinion, Artie Kittick, Lean Mae Matoomealook, 20 IBLA 241 (May 15, 1975), lists serial number F-15467 for Artie Kittick.

The opinion was intended to apply to serial number F-15475 of Artie Kittick, and is amended accordingly.

Douglas E. Henriques
Administrative Judge

We concur:

Martin Ritvo
Administrative Judge

Edward W. Stuebing
Administrative Judge

APPEARANCES: William Rives, Esq.
Davis, Wright, Todd, Riese & Jones
4200 Seattle-First National Bank Bldg.
Seattle, Washington 98154

20 IBLA 242A

